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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT APPLICATION UNDER 37 C.F.R. § 1.137(b)		Docket Number: 01662/62102	
Application Number 10/782,047	Filing Date February 19, 2004	Examiner Bryon P. Gehman	Art Unit 3738
Invention Title Method of Stabilizing Azithromycin		Inventors Pesachovich, et al.	

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop: Petition, Commissioner for Patents, P.O. box 1450, Alexandria, VA 22313-1450 on
Date: Jan 4, 07
Signature: Raymond (52048)

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Sir:

Applicants hereby petition to revive the above-identified patent application as permitted under 37 C.F.R. § 1.137(b). The above-identified application became unintentionally abandoned for failure to file a Response to the final Office Action mailed on March 13, 2006. A Notice of Abandonment was mailed on October 17, 2006.

On September 13, 2006, Applicants mailed a Petition for an Extension of Time of Three Months to respond to the final Office Action of March 13, 2006, thereby extending the response due date to September 13, 2006.

On September 13, 2006, in lieu of filing a Response to the Office Action, Applicants attempted to file a continuation-in-part application of the above-identified application prior to its abandonment. The continuation-in-part application was assigned U.S. application Serial No. 11/521,594 ("594 application"). The '594 application, however, received a filing date of September 14, 2006, rather than September 13, 2006.

The '594 application was deposited with the United States Post Office on September 13, 2006, but it was not time-stamped by the postal clerk until September 14, 2006. Thus, the above-identified application was unintentionally abandoned

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before the filing of the '594 application. A copy of the filing receipt for the '594 application is attached hereto as "Exhibit A." A copy of the express mail label for the '594 application is attached hereto as "Exhibit B." We did not intend to abandon the above-identified application without having filed a continuation application with a proper priority claim to the application. In an abundance of caution, Applicants are also separately filing a petition to obtain the September 13, 2006 filing date for the '594 application in order to establish co-pendency between the above-identified application and the '594 application.

Enclosed herewith is a Notice of Appeal, which serves as a Response to the final Office Action of March 13, 2006.

The entire delay in filing the required Response with the Petition from the due date for the response until the filing of this Petition was unintentional.

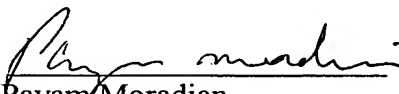
A favorable decision on this Petition and the reinstatement of the above-identified application is respectfully requested.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.17(m) fee for this Petition to Revive Under 37 C.F.R. § 1.137(b), in the amount of **\$1,500.00**, as well any additional fees that may be required in connection with this petition or to credit any overpayment in connection with the papers transmitted herewith to the Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**. A duplicate copy of this paper is enclosed for charging purposes.

Respectfully submitted,

KENYON & KENYON LLP

Dated: Jan 4, 07

By: 
Payam Moradian
Reg. No. 52,048

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200 (Telephone)
(212) 425-5288 (Facsimile)

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/521,594	09/14/2006	3728	0.00	01662/62103	5	100	21

CONFIRMATION NO. 9148

26646
 KENYON & KENYON LLP
 ONE BROADWAY
 NEW YORK, NY 10004

FILING RECEIPT



OC000000020701080

Date Mailed: 10/04/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Michael Pesachovich, Givat-Shmuel, ISRAEL;
 Sarah Isaacs, Hertzelia, ISRAEL;
 Claude Singer, Kfar Saba, ISRAEL;
 Eduard Schwartz, Rehovot, ISRAEL;
 Edit Berger, Tel-Aviv, ISRAEL;
 Ruth Tenengauzer, Raanana, ISRAEL;
 Joseph Schwarz, Richmond Hill, CANADA;
 Julia Hrakovsky, Rosh Ha-Ayin, ISRAEL;
 Tania Lessen, Toronto, CANADA;
 Lev Khondo, Toronto, CANADA;
 Mathi Mathivan, Markham, CANADA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/782,047 02/19/2004
 which claims benefit of 60/448,946 02/19/2003
 This application 11/521,594
 is a CIP of 10/936,075 09/07/2004
 which is a CON of 10/822,773 04/13/2004
 which is a CON of 10/247,097 09/19/2002 PAT 6,669,502 *
 which claims benefit of 60/336,346 10/18/2001
 and claims benefit of 60/331,931 11/21/2001
 and claims benefit of 60/341,295 12/17/2001
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 10/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/521,594**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Methods of stabilizing azithromycin

Preliminary Class

206

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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